

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division
CASE NO. 2:18CV530

CSX TRANSPORTATION, INC.,
INDIVIDUALLY AND ON BEHALF OF NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,
Plaintiffs,

-vs-

NORFOLK SOUTHERN RAILWAY
COMPANY, NORFOLK & PORTSMOUTH
BELT LINE RAILROAD COMPANY,
JERRY HALL, THOMAS HURLBUT,
PHILIP MERILLI, and CANNON MOSS,

Defendants.

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Zoom Remote Proceedings
Wednesday, March 17, 2021
1:19 p.m. - 6:37 p.m.



VIDEOTAPED TELECONFERENCE DEPOSITION OF ROB GIRADOT

Taken before Robyn Maxwell, RPR, FPR,
RSA, and Notary Public in and for the State of Florida at
Large, pursuant to Notice of Taking Deposition filed in
the above-mentioned cause.
Job No. CS4501152

1 If we can put what was marked as Exhibit 18
2 at the CSXT 30(b)(6) deposition from January. All right.

3 Can you see that, Mr. Girardot?

4 A. I can't see the whole -- I mean, maybe you
5 can scroll down a little bit. I can see the top part of
6 it. Stop. Good. Okay; now I can see it.

7 Q. Okay. First of all, can you show us where
8 the 1.67 containers per well assumption appears on this
9 spreadsheet?

10 A. It -- you know, it's not -- it's not on
11 there.

12 Q. Okay. Is it somehow in the data itself?

13 A. Well, I think that if you take the number
14 of wells, right, divided by the number of containers,
15 right, that it -- it would -- it would come out to that
16 1.67.

17 Q. So can you point us to the line or columns
18 where that information appears?

19 A. Well, we're -- somehow we're using 40,000
20 containers and then if you take that for -- you know,
21 the -- the revenue divided by 210, right, that's the
22 number of wells, right. And then you take the number --
23 the well -- the number of wells and you move 40,000
24 containers with that, that that would come out to the
25 1.67. I believe that's how the math works. I have to

1 get my -- I have to get a calculator out.

2 Q. So 40,000 containers are moving in how many
3 wells?

4 A. Well, let's do the --

5 MS. PETERSON: Mr. Chapman --

6 MR. CHAPMAN: Yes.

7 MS. PETERSON: Do you all happen to have
8 the native version of this Excel as it was
9 produced because I think that might be helpful,
10 you know, just to kind of shortcut this a little
11 bit where this is not the document as it was
12 produced by CSX.

13 MR. CHAPMAN: Yeah, I'm sure we do have it,
14 but it's not in this portal, this exhibit portal.

15 MS. PETERSON: I think we can pull it up if
16 we need to. I mean, we do have that available so
17 you can look at it in the Excel form.

18 MR. CHAPMAN: Okay. Let me -- let me just
19 see how far I can get with this.

20 MS. PETERSON: Okay. We can -- we can
21 always do it later.

22 BY MR. CHAPMAN:

23 Q. I get the base amount volume at the top,
24 2017 actuals, 40,000 containers. How many -- how many
25 wells would that involve then?

1 A. I mean, 5 million divided by 210 would be
2 the number of wells.

3 Q. I'm sorry, you said 5 million divided by
4 \$210?

5 A. Right, because we're -- this is figured out
6 at \$210 per well. And so -- so -- so the number of wells
7 would be 5 million divided by 210.

8 Q. Right. So if you don't have a calculator
9 in front of you, it's close to 24,000 wells?

10 A. All right.

11 Q. Okay.

12 A. So if you divide 40 by 24,000, I think that
13 gets you 1.67.

14 Q. So that's how you -- how you've backed into
15 it in term of this calculation, it just didn't jump out
16 as a line item on this spreadsheet, correct?

17 A. That's correct.

18 Q. Okay. So I understand that's an assumption
19 because that's what it says in your declaration. What is
20 that assumption then based on?

21 A. That's basically our -- our experience for
22 international traffic going in and out of ports.
23 That's -- you know, that time period probably would have
24 been based on, you know, the prior year's results. You
25 know, that's kind of the ballpark -- ballpark good

1 walking around number, you know.

2 Q. So my question is: What data did you pull
3 to arrive at that determination of 1.67?

4 MS. PETERSON: Objection; lack of
5 foundation.

6 A. That's just a good walking around number.
7 I mean, that's just, like a, you know -- it's just a
8 general metric, you know.

9 BY MR. CHAPMAN:

10 Q. That lives where in the CSX system?

11 A. That's just based on experience. I mean --

12 Q. Your personal experience?

13 A. That's my personal experience and kind of
14 eyeballing train consists and looking at how many, you
15 know, cars and containers -- I mean, just -- that's just
16 a good number.

17 Q. And I'm not suggesting that you're not a
18 human calculator, Mr. Girardot, but I'm jut trying to
19 find out if there's any data -- real data that -- that
20 you pulled or turned to -- to arrive at that number?

21 A. No I -- I didn't, no.

22 Q. But it formed the basis of this document
23 that is Exhibit 18 from the earlier depositions that
24 we're now looking at, correct?

25 A. That's right. Yeah, I think, you know,

1 that -- you know, when you do feasibility studies like
2 this, you -- you come up with numbers that are realistic.
3 They're not ideal numbers. They're -- they're what you
4 generally experience. You know, like we sort of have a
5 walking around number that -- that, you know, it's -- for
6 international traffic, it's 30 feet per container, you
7 know.

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